

**ACCOMPANYING DOCUMENTS**

**Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 69-EN. A Policy Memorandum is printed separately as SP Bill 69-PM.**

# Prostitution (Public Places) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to amend the law in relation to prostitution in public places; and for connected purposes.

## **1 Offences relating to prostitution**

- 5 (1) A person (“A”) who, for a purpose mentioned in subsection (2), solicits in a relevant place in such a manner or in such circumstances as a reasonable person would consider to be likely to cause alarm, offence or nuisance commits an offence.
- (2) Those purposes are—
- (a) engaging in prostitution,
- (b) obtaining the services of a person engaged in prostitution.
- 10 (3) For the purposes of subsection (1) it is immaterial whether or not—
- (a) A is in or on public transport,
- (b) A is in a motor vehicle which is not public transport,
- (c) a person solicited by A for the purpose mentioned in subsection (2)(b) is a person engaged in prostitution.
- 15 (4) A person (“B”) who, for a purpose mentioned in subsection (2), loiters in a relevant place in such a manner or in such circumstances as a reasonable person would consider to be likely to cause alarm, offence or nuisance commits an offence.
- (5) For the purposes of subsection (4) it is immaterial whether or not B is on public transport.
- 20 (6) No offence under subsection (4) is committed by B if B is in a motor vehicle which is not public transport.
- (7) For the purposes of subsection (6) “public transport” does not include a vehicle which is a hire car.
- (8) A person guilty of an offence under subsection (1) or (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 25 (9) In this section, except where the context requires otherwise—
- “hire car” has the same meaning as in section 23(2) of the Civic Government (Scotland) Act 1982 (c.45),

“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988 (c.52),

“public transport” means a vehicle, train, tram, ship, hovercraft, aircraft or other thing designed, adapted or used for the carriage of persons provided in connection with any of those services on which members of the public rely for getting from place to place when not relying on facilities of their own,

“relevant place” means—

(a) a public place within the meaning of section 133 of the Civic Government (Scotland) Act 1982 (c.45),

(b) a place to which at the material time the public are permitted to have access (whether on payment or otherwise),

and in subsection (1) includes a place which is visible from a place mentioned in paragraph (a) or (b).

## **2 Arrest for offences under section 1**

- (1) Where a constable reasonably believes that a person is committing or has committed an offence under subsection (1) or (4) of section 1, the constable may arrest the person without warrant.
- (2) Subsection (1) is without prejudice to any power of arrest conferred by law apart from that subsection.

## **3 Repeal of section 46 of Civic Government (Scotland) Act 1982**

Section 46 of the Civic Government (Scotland) Act 1982 (c.45) (soliciting and importuning by prostitutes) is repealed.

## **4 Short title and commencement**

- (1) This Act may be cited as the Prostitution (Public Places) (Scotland) Act 2006.
- (2) The provisions of this Act (except this section) come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (3) An order under subsection (2) may include such transitional and saving provision as the Scottish Ministers consider necessary or expedient in connection with the coming into force of the provisions brought into force.



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An Act of the Scottish Parliament to amend the law in relation to prostitution in public places; and for connected purposes.

Introduced by: Mr Tom McCabe  
On: 15 September 2006  
Supported by: George Lyon  
Bill type: Executive Bill

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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by  
Astron.

ISBN 1-4061-2527-X

